

**City of Northampton**  
**Farmers Market Policy**

*Adopted and Recommended by Farmers Market Subcommittee November 21, 2011*

**Background**

Massachusetts General Laws (Chapter 40, Section 10) enables municipalities to authorize the use of public space by farmers markets. The City of Northampton has made public property available to farmers markets for many years but has had no formal policy in which to do so. The Farmers Market Subcommittee of the Agricultural Commission was formed in September 2009 in part to recommend and establish a citywide policy.

**Purpose Statement**

The purpose of this policy is to promote local agriculture and the availability of fresh healthy foods by making city owned spaces available for use by farmers markets. This policy establishes a unified process for use of city property by farmers markets. It is the intent of this policy to set guidelines on how markets operate on City property. It is not the intent of the policy to regulate or dictate the internal operations of individual markets.

**Farmers Market Approval**

A license or permit must be obtained from the City to operate a farmers market on City property. The Mayor shall designate a City employee as the Farmers Market Liaison, in the absence of a liaison the Mayor's Office staff will act as liaison. The Farmers Market Liaison will determine the appropriate licensing entity, coordinate between the various departments involved in licensing the market, and will be the liaison between the city and the markets regarding problem solving for the markets. This policy is intended to create a clear and streamlined process for permitting farmers markets and to address the logistical, operational, and permitting aspects related to use of city property.

Farmers Market Liaison Contact:    Mayor's Office  
   City Hall, Second Floor  
   210 Main Street  
   Northampton, MA 01060  
   413-587-1249  
   Mayor@northamptonma.gov

A license/permit may be granted to operate a farmers market on any city owned property in compliance with this policy including but not limited to city streets and sidewalks, parking lots, plazas and parks.

It is recommended that the application be submitted at least 30 days prior to start of the market season to allow for sufficient time to process the application.

The annual fee for the license shall be \$50.00 as set by Ordinance 174-19.

The license/permit may be revoked by the City upon finding that the market is not in compliance with the terms of the license/permit after the market has been notified and given the opportunity to resolve the issues of non-compliance. It is the intent of this policy that the City and the farmers markets will work cooperatively together to solve problems that may arise in the operation of markets. ~~The City's Farmers Market Liaison will assist in problem solving and dispute resolution.~~ Unresolved matters can be taken to the City Property Committee and Board of Public Works for final resolution. This is a license to use real estate. The license may be terminated at any time by either party by submitting notification in writing. The City will give the farmers market written notice of its intention to terminate and allow a reasonable amount of time to remove any farmers market property stored on public property. The City will give the reason or reasons for termination, said reason or reasons to be within the sole discretion of the City. The license/permit is non-transferable.

### **Definitions**

Farmers Market – A Massachusetts farmers market is a public market for the primary purpose of connecting and mutually benefitting Massachusetts farmers, communities, and shoppers while promoting and selling products grown and raised by participating farmers (Massachusetts Department of Agricultural Resources, MDAR). A proposed farmers market must meet the minimum qualifications for Massachusetts Farmers Market as defined by MDAR (see attached MDAR policy). The intention of this policy is to promote locally grown agriculture (Northampton, Pioneer Valley, and Western Massachusetts) and to give first preference to markets consisting of primarily local and regional vendors.

Eligible Vendors and Products – Massachusetts grown or grown within 75 miles of the market and raised, grown, and produced by the farmer (including the farmer's household or employees of the farm). Up to 25% of the farmers at a Farmers Market may be from outside the Hampshire, Franklin, Hampden County area. Products may include the following:

1. Agricultural products including but not limited to: fruits, vegetables, herbs, plants, flowers, nuts, seeds, honey and maple syrup, cider, eggs, dairy products, poultry, meat, and fishery products.
2. Prepared foods processed or prepared by the farmer using products grown on the farm including but not limited to preserves, pickles, juices, home/farm canned products, cheese, and wine.
3. Value-added products prepared by farmers or non-farm producers using the above farm products including but not limited to prepared meals, baked goods, bread, crafts, soap, and oils.
4. Arts and crafts made, produced, or assembled by local and regional vendors and sold by the producer or maker.
5. Up to 25% of the vendors at a farmers market may be non-farm vendors.
6. Farmer cooperatives may be considered a direct grower/producer vendor provided that 100% of the products sold by the cooperative are wholly grown and produced by the members of the cooperative, meet the geographic parameters above, and products are sold directly by members of the cooperative at the market.

Ineligible Products – Farmers markets are intended to be primarily agricultural in nature and are not intended to be flea markets or markets for the sale of second hand goods, non-farm products (except as defined above), resale/wholesale of farm products not grown by the persons selling the product, or products prohibited from sale by the Massachusetts Department of Public Health.

Local First and Collaboration with Local Businesses – It is the intention of this policy to promote the success of Northampton based farmers and to encourage cross promotion, collaboration, and cooperative relationships between farmers markets and Northampton based businesses. To that end, farmers markets shall reach out to and give first preference to prepared food, non-farm, and value-added vendors that are Northampton based businesses. It is understood that diversity of products is a primary goal in selecting market vendors. First preference shall be given to Northampton based farmers if they can meet the product need desired by the market with the goal of achieving at least 25% Northampton based farmers. Markets are not expected to eliminate existing vendors to meet this goal but to achieve the goal over time as new vendors are sought for the market and through attrition of existing vendors.

Entertainment and Ancillary Activities – Farmers markets may provide entertainment or other ancillary activities (including but not limited to cooking or food preservation demonstrations) during the market hours provided it is clearly ancillary to the market and intended to enhance the customer experience or to collaborate and cross promote with local businesses. Proposed entertainment and ancillary activities should be generally described in the farmers market application. Entertainment will be permitted as part of the farmers market license/permit and shall not require a separate entertainment license. Entertainment may be amplified at a low level.

Market Manager – A farmers market shall be managed and operated by a market manager or committee who will be responsible for managing the operations of the market, will be the lead contact/liaison with the City, will prepare the license application, and will ensure compliance with the license/permit.

### **Criteria for Approval**

In granting a farmers market license/permit, the following factors will be considered.

1. The number of markets operating on public property. The intention of this policy is to promote the overall viability of all farmers markets in Northampton in terms of geographic distribution, days of operation, and vibrancy. Existing markets shall have first preference for continuing to operate in an existing location, day, and time period. Approval will not be granted for two or more markets to operate on the same day.
2. The impact on other public uses in and surrounding the proposed location.
3. The impact on public parking, traffic circulation, safe pedestrian access, and access to adjacent businesses and abutters.

4. Adequate insurance. The market shall submit a certificate of insurance for general liability coverage in the amount of \$100,000/\$1,000,000 with the City named as an additional insured.
5. ~~It is the responsibility of the Farmers Market Manager/Committee or the individual vendors to obtain all applicable Health Department, License Commission, or State of Massachusetts Licenses.~~

### **Licensing Authority**

A license or permit shall be issued by the City board or department with jurisdiction over the public property location of the proposed market. Generally this includes:

- Board of Public Works/ Department of Public Works (Streets, sidewalks, Pulaski Park)
- Parking Department (Parking lots/structures/plazas)
- City Finance/Property Committee (Generally approves all licenses on city property except property under the jurisdiction of the Board of Public Works. Some licenses may be delegated to departments or Mayor.)

The following departments should be notified and given the opportunity to comment or give concurrence on a farmers market license/permit application. Departments should be notified immediately upon receipt of an application. The intent is for licenses to be issued within 30 days.

- Mayor's Office
- Police Department (Police Department must review and give concurrence)
- Fire Department (Fire Department needs notification to determine alternate emergency vehicle routes for street closures)
- Central Services Department
- Health Department
- Building Commissioner's Department
- Office of Planning & Development
- Any other department that may be impacted by the application or any department or board that has jurisdiction over the proposed location.

### **Other Licenses and Permits:**

It is the responsibility of the Farmers Market Manager/Committee or individual vendors to obtain all other applicable local and state licenses/permits. Below is a list of other potentially applicable permits.

- a. Health Regulations – The Northampton Board of Health requires a vendor permit for value added food products sold at Farmers Markets. Contact the Northampton Health Department at 587-1214 for more information. A copy of the regulations is attached for reference.
- b. License Commission – A license must be obtained from the Northampton License Commission and the MA Department of Agricultural Resources to sell farm winery products. Contact the License Commission Office at 587-1210 for more information. A copy of the regulations is attached for reference.

- c. Sign Permit - A sign permit must be obtained from the Building Department to erect a sign that will stay in place during the duration of the Farmers Market. Contact the Building Department at 587-1240 for more information. A copy of the regulations is attached for reference.
- d. ~~Sandwich Board Sign Permit~~ - A sandwich board sign permit must be obtained from the DPW to place a sandwich board on a city sidewalk in accordance with the sandwich board sign ordinance. Contact the DPW for more information at 587-1570. A copy of the ordinance/regulations is attached for reference.

#### **Attachments**

- 1. Farmers Market Annual Application Form
- 2. Farmers Market Annual License/Permit
- 3. Policy for Massachusetts Farmers' Markets – MA Department of Agricultural Resources
- 4. Board of Health Farmers Market Permit Requirements -  
[http://www.northamptonma.gov/healthdept/Farmers\\_Markets/](http://www.northamptonma.gov/healthdept/Farmers_Markets/)
- 5. MA Department of Public Health Food Safety Guidelines
- 6. Northampton License Commission license to sell farm winery products at a farmers market - [http://www.northamptonma.gov/healthdept/Farmers\\_Markets/](http://www.northamptonma.gov/healthdept/Farmers_Markets/)
- 7. MA Department of Agricultural Resources license to sell farm winery products at a farmers market - <http://www.mass.gov/agr/markets/wineries/winery-application.htm>
- 8. Sign permit Application -  
<http://www.northamptonma.gov/building/uploads/listWidget/9303/sign%20permit.pdf>
- 9. Sandwich board sign application/regulations.

## **Farmers Market Annual Application**

**Name of Market:**

**Contact Person for Market:** (name, address, telephone number, email)

**Proposed Location, Approximate Number of Vendors, and Space Needs of Market:** (Please be as specific as possible and include a sketch or diagram.)

**Proposed Season, Day and Hours of Operation of Market:**

**Information on Management of Market:** (submit the market's operating rules)

**Proposed Entertainment and Ancillary Activities:**

**Proposed Signage:**

**Other Information:**

\_\_\_\_\_  
**Signature of Applicant**

## **Farmers Market Annual License/Permit**

**A Farmers Market Annual License/Permit is hereby issued in accordance with the City of Northampton Farmers Market Policy to the following Farmers Market.**

**Name of Farmers Market:** \_\_\_\_\_

**Location and Parameters of Space Use:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Season Dates:** \_\_\_\_\_

**Day(s):** \_\_\_\_\_

**Hours of Operation:** \_\_\_\_\_

### **License Standard Conditions:**

2. Parking, Access, Circulation - The site location shall not have a negative impact on public parking, traffic circulation, safe pedestrian access, or access to adjacent businesses and abutters. The proposed site shall have adequate parking for farm vehicles. (List any specific parking, access, circulation conditions.)
3. Signage - A farmers market may be allowed one temporary sign that is affixed to public or private property adjacent to the market site to identify the market during the market season. The sign shall be removed at the end of the market season. (Temporary banners erected only on the day of the market do not require a permit.)
4. Insurance/Liability - The market shall submit a certificate of insurance for general liability coverage in the amount of \$100,000/\$1,000,000 with the City named as an additional insured.
5. Cleanup - The market shall maintain a clean vending area, clean up and dispose of all trash after each market. (List any specific conditions.)
6. It is the responsibility of the Farmers Market Manager/Committee or individual vendors to obtain all other applicable local licenses (Health Department, License Commission, Building Department) or State of Massachusetts Licenses. Below is a list of other potentially applicable permits. See the Farmers Market Policy for more information on these permits.

- a. Health Regulations – The Northampton Board of Health requires a vendor permit for value added food products sold at Farmers Markets. Contact the Northampton Health Department at 587-1214 for more information.
- b. License Commission – A license must be obtained from the Northampton License Commission and the MA Department of Agricultural Resources to sell farm winery products. Contact the License Commission Office at 587-1210 for more information.
- c. Sign Permit - A sign permit must be obtained from the Building Department to erect a sign that will stay in place during the duration of the Farmers Market. Contact the Building Department at 587-1240 for more information.
- d. Sandwich Board Sign Permit – A sandwich board sign permit must be obtained from the DPW to place a sandwich board sign on city sidewalks. Contact the DPW for more information at 587-1570.

**7. Other Special Conditions: (Please list)**

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Print Name of Licensing/Permitting Authority

\_\_\_\_\_  
Signature of Licensing/Permitting Authority

Fee: \$50.00



## POLICY FOR MASSACHUSETTS FARMERS' MARKETS

The Massachusetts Department of Agricultural Resources (MDAR) both promotes and regulates agriculture across the Commonwealth. Our goal is to work to increase sales opportunities and delivery of our farmers' products to all areas of the Commonwealth and beyond. Such broad availability is also intended to include people who otherwise may not have access to those products at the farms themselves, or through traditional retail outlets. Further, MDAR has a regulatory and statutory role in the sale of agricultural products at public markets. For these reasons and others, MDAR has determined that a uniform definition and minimum qualifications are necessary to optimally direct these efforts. As farmers' markets have grown in Massachusetts and in an effort to maintain the benefit realized by our Commonwealth's farming interests, it has become increasingly important that such outlets are adequately defined. Accordingly this policy document is intended to provide basic guidance and definitions relative to farmers' markets in Massachusetts.

A *Massachusetts Farmers' Market* is a public market for the primary purpose of connecting and mutually benefiting Massachusetts farmers, communities, and shoppers while promoting and selling products grown and raised by participating farmers.

### **Minimum qualifications for a *Massachusetts Farmers' Market*:**

- Two or more farmers primarily selling products grown, produced, or raised by the farmers
- The market has set hours of operation and operates on a regular schedule
- The products are clearly labeled as to origin
- The market complies with all applicable local, state, and federal laws and regulations
- The market must have, and abide by, a set of rules\* that governs the operation of the market and, at a minimum, assures the primary purpose of a *Massachusetts Farmers' Market* as providing a
- direct marketing opportunity for Massachusetts farmers, foresters and fisheries and addresses
- the following:
  - Terms and conditions of sales, including pricing and labeling
  - Grievance procedure
  - Vendor eligibility and product source
  - Compliance by all vendors with local, state, and federal laws and regulations

MDAR strongly suggests that farmers' markets address market and vendor liability, including any insurance requirements in their policies or rules.

\* Rules must be approved by MDAR if the market is applying for or receiving MDAR sponsored grant funds or intending to include the sale of wine by farm wineries at the market. However, all farmers' markets are expected to have rules that meet these minimum qualifications.

**Northampton Board of Health**  
**Northampton Farmers Market Permitting Process**  
[http://www.northamptonma.gov/healthdept/Farmers\\_Markets/](http://www.northamptonma.gov/healthdept/Farmers_Markets/)

The Northampton Farmers Market permitting process is based on the MA DPH Food Protection Program Policies, Procedures and Guidelines memo No. RF-08. This memo defines vendors that require a retail food permit (which is what our farmers market permit requires).

The Northampton Health Department's interpretation of this memo is that vendors selling the following DO NOT need a permit:

- Fresh Produce (uncut)
- Unprocessed honey
- Maple syrup
- Farm fresh eggs

Additionally we are not requiring that meat and poultry vendors obtain a permit but they must be able to demonstrate the meat was slaughtered in a federal and/or state licensed and inspected facility.

All other vendors are considered value-added/processed foods and therefore require a permit. The key component of permitting these vendors is establishing that the food is prepared at an approved source (licensed food processing facility, a licensed food establishment or a licensed retail food establishment). A valid copy of these licenses must be submitted with the permit application.

For all other conditions (such as sale of fish, temperature control, physical facilities, etc.) please refer to the DPH memo.

Fees:

Value Added Farmed Goods: Waived

Food Prepared in a Licensed Food Service Establishment: \$50

Food Prepared on Site: \$50

1 Day (Temporary) Food Prepared on Site: \$25



Massachusetts Department of Public Health  
Bureau of Environmental Health  
305 South Street  
Jamaica Plain, MA 02130-3597  
(617) 983-6700 (617) 983-6770 - Fax

## Food Protection Program Policies, Procedures and Guidelines

**Issue: Farmer's Markets**

**No: RF-08**

While there is no regulatory definition for *farmer's markets*, the Massachusetts Department of Agricultural Resources (DAR) defines them as: "public markets for the primary purpose of connecting and mutually benefiting Massachusetts farmers, communities, and shoppers while promoting and selling products grown and raised by participating farmers." The Massachusetts Department of Public Health Food Protection Program (FPP)'s interpretation of farm products currently includes:

- Fresh Produce (fresh uncut fruits and vegetables)
- Unprocessed honey (Raw honey as defined by the National Honey Board: Honey as it exists in the beehive or as obtained by extraction, settling or straining without added heat.)
- Maple syrup
- Farm fresh eggs (must be stored and maintained at 45°F (7.2°C)).

### Farmer's Market Vendors that Require a Retail Food Permit

Some farmer's markets, which traditionally offered locally-grown produce and farm products, have expanded into retail food operations offering processed foods. Farmer's market vendors that sell food products and processed foods other than those farm products listed above, shall be licensed as a retail food operation and inspected by the Local Board of Health (LBOH) in accordance with Massachusetts Regulation 105 CMR 590.000 - Minimum Sanitation Standards for Food Establishments - Chapter X. Examples of processed foods commonly sold at farmer's markets include pies, cakes, breads, jams and jellies, candy, and baked goods.

While some farmer's markets are organized by a market manager (someone who assists vendors in the coordinating of permitting and other issues for the market), for enforcement purposes, the FPP recommends that LBOHs issue retail establishment licenses to individual vendors. Based on the number of weeks the farmer's market is operating, license fees may be established as a percentage of the annual fee charged for a regular food establishment permit, or the LBOH may set a specific permit fee for a farmer's market operation. Whichever fee system and fee the board selects, the fee should not be higher for the seasonal operation than the regular food establishment fee is on an annual basis.

The LBOH must assess the facilities available to the farmer's market, and prohibit any food-handling operation that cannot be safely performed. In addition, the LBOH may prohibit the sale of certain food items if the items cannot be handled and maintained in accordance with 105 CMR 590.000 requirements.

## Safe Food Handling Practices

### *Physical and Sanitary Facilities*

Most often, farmer's markets are held in an open-air setting, such as a town common or field. In some cases, there may be restrooms and handwashing facilities nearby that vendors may use. If restrooms and handwashing facilities are not available, the market must provide portable restrooms and handwashing facilities for use by the vendors. Handwashing sinks must be easily accessible (within 25 feet) to vendors handling exposed, processed foods.

If only agricultural products and packaged-food items are offered for sale, there is no requirement for handwashing stations at each individual vendor area. However, if portable toilets are provided, a handwashing station must also be made available.

### *Approved Source*

*Processed foods* sold at a farmer's market must be manufactured in a licensed food processing facility, a licensed food establishment, or a licensed residential kitchen. Copies of residential kitchen permits, retail food establishment permits or food manufacturing licenses where the food was prepared should be submitted to the LBOH along with the vendor's application.

The definition or identification of an "approved source" for *fresh fruits and vegetables* is not addressed in federal or state retail regulations.

In Spring 2008, the FPP, in collaboration with LBOHs, began working with the Division of Marine Fisheries (DMF) and DAR to pilot the retail sale of *shellfish* at farmer's markets. Shellfish harvesters, including aquaculturists, must obtain approval from DMF and FPP in accordance with state statute and regulations. LBOHs that have received applications for shellfish vendors should contact FPP prior to any local approval under 105 CMR 590.000. In Spring 2011, FPP finalized the program with an FPP Policy entitled "Shellfish at Farmer's Markets; No. SF-10."

*Finfish and crustaceans* may be sold at a farmer's market provided they are sold only from a vendor who holds a DMF retail seafood dealer permit in addition to the LBOH food permit. If the finfish and crustaceans at the farmer's market are sold from a retail truck, the permit required from DMF is a retail seafood truck permit. A retail seafood truck permit allows the permit holder to use the permitted truck at various locations within Massachusetts with the same retail truck permit with the approval of the LBOH. However, when finfish and crustaceans are transported in private vehicles and sold at a booth at a farmer's market (i.e., not directly from a permitted seafood truck), a separate retail seafood dealer permit is required for each vendor and each market location.

### *Meat and Poultry*

Meat must be slaughtered in a federally inspected facility. These facilities are also licensed by FPP. USDA-inspected meat products must bear the mark of inspection on each retail package. Poultry products may be processed in a USDA facility or a state only licensed facility if the processor is working under the exemptions allowed in the USDA Poultry Act.

### *Raw Milk and Raw Milk Products*

Raw (unpasteurized) milk is not allowed for sale at farmer's markets in accordance with 105 CMR 590.000. Raw milk is only allowed for sale in Massachusetts at farms which are certified and inspected by DAR. Aged cheeses made with raw milk that are made in a licensed food manufacturing facility are an approved food supply provided that vendors maintain strict temperature control of 41°F or below.

### *Wine*

Legislation passed in August, 2010 allows licensed farm-wineries to sell wine at farmer's markets. The licensed farm-winery seeking to participate in the agricultural event is the applicant and must submit the agricultural event certification application to DAR. After the application is approved by DAR and the agricultural event is certified, the farm-winery will need to submit an application to the local liquor/license control board that has jurisdiction over the event's location to obtain a license to allow the sale of wine. The local licensing authority may then issue a special license for the sale of wine at the event.

While wine is considered to be a "food" by definition of M.G.L. Chapter 94, section 1, and in accordance with 105 CMR 590.000 which adopts by reference the federal 1999 Food Code, because the vendor has a special liquor license it is not recommended that the LBOH issue a food permit as well.

### **Temperature Control**

Any food requiring temperature control for safety (TCS) must be held at proper temperatures in accordance with 105 CMR 590.000 and federal laws during transportation and display for sale. With the exception of shellfish transportation, mechanical refrigeration is not a requirement if food temperatures can be maintained and verified.

### **Display Conditions**

Fresh uncut fruits and vegetables can be displayed in the open air. They should be stored off the ground. Vendors can accomplish this in a number of ways. Most vendors will simply use a table, or empty crates or boxes underneath the crates holding the produce is another option. Cut produce that is a potentially-hazardous food (PHF) (melon, raw seed sprouts, cut tomatoes and raw garlic mixtures) must be maintained at or below 41°F. This may be achieved by either refrigeration or storing the food on self-draining ice in an insulated container. It is strongly recommended that chopped greens be held under temperature control while on display at the market.

All food products, with the exception of uncut produce, require protection while on display. Vendors may individually package items such as baked goods or, if displayed in bulk, should cover the items while on display until dispensed to the consumer. Items offered in bulk should be dispensed with a utensil, single-use glove, or single-use paper sheet.

### **Food Samples**

Processed food samples should be cut, wrapped and secured in the licensed facility in which they are manufactured, and must be protected from environmental and consumer contamination during transportation and display. Any food-handling process involving exposed ready-to-eat foods must be closely evaluated for proper controls and restricted if there is any potential for

contamination or growth of pathogenic organisms. If a vendor offers food sampling, the LBOH may impose additional handwashing requirements for that vendor.

### ***Food Demonstrations***

~~Vendors or market managers may wish to offer food/cooking demonstrations during farmer's~~ market season. Cooking demonstrations with small samples of cooked food may be prepared and offered at the farmer's market for promotional and/or educational value with prior LBOH notice, review, and approval. Safe food handling practices, including adequate food cooking temperatures, must be followed. Sample portions are to be 'bite-size' as the intent of the sample is that the food is not for food service.

### ***Product Labeling***

All packaged foods must be labeled with the common or usual name of the product; list of ingredients in descending order of predominance by weight and a complete list of sub-ingredients; net weight of product with dual declaration of net weight if product weighs one pound or more; name and address of the manufacturer, packer, or distributor (if the company is not listed in the current edition of the local telephone book under the name printed on the label, the street address must also be included on the label); nutrition labeling unless exempted by federal regulation; all FDA certified colors; all ingredients that contain a major food allergen, regardless if they might otherwise be exempted from labeling by being a spice, flavoring, coloring or incidental additive; the term "Keep refrigerated" or "Keep frozen" (if product is perishable). All perishable or semi-perishable foods require open-dating and recommended storage conditions printed, stamped, or embossed on the retail package. Once an open-date has been placed on a product, the date may not be altered.

Bulk, unpackaged foods that are available for consumer self-dispensing shall be labeled with the manufacturer's or processor's label that was provided with the food or a card, sign, or other method of notification. Bulk, unpackaged foods that are portioned to consumer specification need not be labeled if a health, nutrient content, or other claim is not made, however, ingredient and major food allergen information needs to be available to customers upon request.

### **For additional information about:**

- Opening and operating a farmer's market and wine sales at farmer's markets, contact the Massachusetts Department of Agricultural Resources at 617-626-1754.
- Food safety and sanitation, licensure and city/town requirements, contact the Local Board of Health,
- State regulations, contact the Massachusetts Food Protection Program at 617-983-6712.
- Shellfish at Farmer's Markets Pilot Program, contact Eric Hickey, Seafood Supervisor, Massachusetts Food Protection Program at 617-983-6774.

***CITY OF NORTHAMPTON  
LICENSE COMMISSION***

**FARM WINERY LIQUOR LICENSE TO SELL AT FARMERS MARKETS AND AGRICULTURAL  
EVENTS**

Massachusetts General Laws Chap 138, §7 (f), §15F, § 19B,  
Farm Winery Farmers Markets/Ag Event Liquor License S2583 Act Relative to Economic Development  
Reorganization, Section 139-147  
City of Northampton Ordinance §120-1 and §120-4

CORPORATE NAME \_\_\_\_\_

D/B/A NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_

TELEPHONE  
NUMBER \_\_\_\_\_

DATE(S) & BEGINNING AND END TIME(S) OF EVENT(S)  
\_\_\_\_\_

DESCRIPTION & LOCATION OF PROPOSED EVENT  
\_\_\_\_\_  
\_\_\_\_\_

EMAIL \_\_\_\_\_

\*\*\*\*\*You will be sent an email of the License Commission meeting agenda, when posted to the public  
approximately 2-3 days before meeting. A representative of your organization must attend the meeting.  
\*\*\*\*\*

The application shall fully and specifically describe the proposed event. The License Commission may grant such  
license upon such terms and/or conditions as it may prescribe or may deny such license upon finding that issuance of  
such license would lead to the creation of a nuisance or would endanger the public health, safety or order. Notice of  
such denial shall be delivered to the applicant in writing and shall include therein a statement of reasons for such  
denial.

**Annual Fee = \$50.00** (Fee is due at the time the license is picked up)

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Signature of Responsible Individual or Agent of Corporation

Office Use

Approved      Denied

Date



Northampton License Commission  
City Hall, 210 Main Street  
Northampton, MA 01060  
(413) 587-1210 Fax: (413) 587-1264

Brad A. Shimel, Chair  
Mary L. Midura, Executive Secretary

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To Whom It May Concern:

Enclosed please find an application for a Farm Winery License to Sell at Farmers Markets and Agricultural Events.

The annual fee for the license is \$50.

Your organization must provide a copy of written approval from a Farmers Market/Agricultural Event at which you have been accepted as a vendor. You must submit all Massachusetts Department of Agricultural Resources (MDAR) application documentation, including the MDAR approval. Applicants must demonstrate that the products sold under this license are primarily made locally.

The approved Farm Winery License is valid at one event only. An event with multiple dates/times is considered one event (example: The Saturday Northampton farmers market). Separate applications must be submitted annually for each event.

The License Commission holds meetings on the first Wednesday of every month. Please have your application and all necessary documents to me at least seven (7) days prior to a scheduled meeting. Please include your email on the application. **You will be sent an email of the License Commission agenda approximately 2-3 days before the meeting at which your application will be considered. A representative of your organization must attend this meeting to hear your application.**

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Mary L. Midura  
Executive Secretary

Enclosures

[http://www.northamptonma.gov/healthdept/Farmers\\_Markets/](http://www.northamptonma.gov/healthdept/Farmers_Markets/)



# **LICENSE COMMISSION FOR THE CITY OF NORTHAMPTON**

## **Extracts of Law, Rules and Regulations Governing SALE OF WINES AT FARMERS MARKETS AND AGRICULTURAL EVENTS**

### **M.G.L. Chapter 138: Section 7 (f), Section 15F and Section 19B:**

1. In a city or town wherein the granting of licenses to sell all alcoholic beverages or wines and malt beverages only is authorized under this chapter, special licenses for the sale of wines and malt beverages only, or either of them, may be issued by the local licensing authorities, to the responsible manager of any indoor or outdoor activity or enterprise.
2. Sale to or purchases by persons under twenty-one years are punishable by a fine or imprisonment or both. Licensee may employ any person eighteen years of age or older for the direct handling and selling of alcoholic beverages. No one under eighteen may be employed for the direct handling and selling of alcoholic beverages or alcohol. (M.G.L., Chapter 138 § 34, as amended.)
3. The licensed premises shall be subject to inspection by the Police, the Northampton License Commission and their authorized agents, the Health Department and Building Department to ascertain the manner in which the licensee conducts his/her business.
4. No alcoholic beverage shall be sold or kept for sale on premises not specified on the license.
5. No alcoholic beverages shall be sold to a person who is intoxicated or known to have been intoxicated within six months. (M.G.L., Chapter 138 § 69, as amended.)
6. Owners and/or managers of all licensed liquor establishments will be responsible for all violations or infractions of the law occurring on the premises whether present or not.

ALL LIQUOR LICENSES ARE SUBJECT TO SUSPENSION OR REVOCATION FOR ANY VIOLATION OF CONDITIONS OR ANY LAW OF THE COMMONWEALTH OR REGULATION OF THE NORTHAMPTON LICENSE COMMISSION.

For Further information regarding alcoholic beverage laws, rules and regulations refer to:

1. Massachusetts General Laws, Chapter 138
2. Farm Winery Farmers Markets/Ag Event Liquor License S2582 Act Relative to Economic Development Reorganization, Section 139-147:

SECTION 142. Said chapter 138 is hereby further amended by inserting after section 15A the following section:

Section 15F. Notwithstanding any other provision of chapter 138, in any city or town wherein the granting of licenses to sell wine is authorized under this chapter, the local licensing authority may issue to an applicant authorized to operate a farmer-winery under section 19B or in any other state, a special license for the sale of wine produced by or for the licensee in sealed containers for off-premise consumption at an indoor or outdoor agricultural event. All sales of wine shall be conducted by an agent, representative, or solicitor of the licensee to customers who are at least 21 years of age. A licensee under this section may provide, without charge, samples of wine to prospective customers at an indoor or outdoor agricultural event. All samples of wine shall be served by an agent, representative, or solicitor of the licensee to individuals who are at least 21 years of age and all samples shall be consumed in the presence of such agent, representative, or solicitor of the licensee; provided, however, that no sample shall exceed one (1) ounce of wine and no more than 5 samples shall be served to an individual prospective customer. For the purposes of this section, the term "agricultural event" shall be limited to those events certified by the department of agricultural resources as set forth in this section.

3. Northampton License Commission, 210 Main Street, Northampton, MA (413) 587-1210
4. City of Northampton Ordinance Chapter 120-1 and 120-4

# THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



## Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



### Application for Certification of an Agricultural Event for the Sale of Wine

Pursuant to M.G.L. c. 138, Section 15F

\*To be completed by the licensed farm-winery and returned to the  
Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

#### 1. Applicant Information:

Name of Licensed Farm-Winery					
Farm-Winery License Number		State of Issue			
Contact Person					
Address					
City		State		Zip	
Phone Number		Email			
Name of Agricultural Event (Please attach Approval Letter from event management as required by M.G.L. c. 138, Section 15F)					

#### 2. Event Information:

Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy) <input type="checkbox"/> Farmers Market (as defined by MDAR policy) <input type="checkbox"/> Other Agricultural Event				
Name of Event					
Event Address					
City		State		Zip	
Event Phone Number		Event Website			
Primary Contact for Event					
Contact Address					
City		State		Zip	
Phone Number		Email			

### 3. Event Description

What are the date(s) and time(s) of the event?

Is this an annual event?

☐ Yes

☐ No

How does this event promote local agriculture?

Are all or some of the products at the event grown and produced in Massachusetts?

☐ Yes

☐ No

How many exhibitors have products that are grown or produced in Massachusetts? \_\_\_\_\_

What is the total number of exhibitors at event? \_\_\_\_\_

Does the event include Massachusetts farmers selling their own goods?  
(If yes, please attach a list of vendors with brief descriptions)

☐ Yes

☐ No

Does the event include competitive agriculture?

☐ Yes

☐ No

☐ N/A

Does the event have operational guidelines or rules?  
(If yes, please attach a copy)

☐ Yes

☐ No

Has the event been inspected by the Department in the last two years?  
If yes, what was the date of the inspection(s)? \_\_\_\_\_

☐ Yes

☐ No

☐ N/A

Is the event sponsored or run by an agricultural/horticultural society,  
grange, agricultural commission or association whose primary purpose  
is the promotion of agriculture and its allied industries?

☐ Yes

☐ No

If yes, please identify: \_\_\_\_\_

### 4. Event Management

Name of Event Manager

Manager Address

City

State

Zip

Is this person the on-site manager?

☐ Yes

☐ No

If no, please identify on-site manager (include contact information): \_\_\_\_\_

If there are multiple managers please list (include contact information):

List or attach any credentials for training of the on-site manager (Attach resume if applicable):

#### 4. General

Please attach or provide in the space below a plan depicting the premises and the specific location where the sale of wine will occur at the event as well as a detailed narrative of your plan operations (including the opportunity for sampling or sales only):

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Farm-Winery License Number

\_\_\_\_\_  
State

#### FOR DEPARTMENT USE ONLY:

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C138, Sec. 15F.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# City of Northampton

Massachusetts

## DEPARTMENT OF BUILDING INSPECTIONS

212 Main Street • Municipal Building  
Northampton, MA 01060



INSPECTOR

### Application for a Permit to Place or Maintain a Sign Or other Advertising Device, or Marquee

(Application to be filled out in ink or typewritten)

Number .....

Plans must be filed with the Building Inspector  
before a permit will be granted.

Erection.....( )  
Alteration.....( )  
Repair.....( )  
Repainting.....( )  
Removal.....( )

FEE.....PAGE.....PLOT.....

Northampton, Mass. ....20.....

To the Building Commissioner:

Application for a permit to place or maintain a sign or other advertising device, or marquee.

BUSINESS NAME .....

1. Location, Street and No. ....
2. Owner's name .....
3. Owner's address .....
4. Maker's name .....
5. Maker's address .....
6. Erector's name .....
7. Erector's address .....

#### SIGN

1. Sign will be (check one) illuminated ..... Non-illuminated .....
2. Will sign obstruct a fire escape, window or door? .....
3. Lower edge will be .....ft.....ins above the public way.
4. Upper edge will be .....ft.....ins above the public way.
5. Height .....ft.....ins Width .....ft.....ins
6. Face area .....sq. ft.
7. Inner edge will be .....ins from the building or pole.
8. Outer edge will be .....ins from the building or pole.
9. Face of building or pole is .....ins back from the street line.
10. Sign will project .....ins beyond the street line.
11. Sign will extend .....ft .....ins above the building or pole.
12. Of what material will sign be constructed? Frame ..... Face.....
13. Estimated cost \$.....

#### KIND OF SIGN (Designate)

Marquee .....  
Projecting .....  
Roof .....  
Temporary.....  
Wall .....  
Ground .....  
Other .....

The undersigned certifies that the above statements are true to the best of his knowledge and belief.

.....  
(Signature of Owner or Agent)

THIS FORM IS PART OF THE SIGN PERMIT APPLICATION

File No. \_\_\_\_\_

**ZONING PERMIT APPLICATION**

PLEASE TYPE OR PRINT ALL INFORMATION

1. Name of Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_
2. Owner of Property: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone: \_\_\_\_\_
3. Status of Applicant: ☐ Owner ☐ Contract Purchaser ☐ Lessee  
☐ Other(explain): \_\_\_\_\_
4. Job Location: \_\_\_\_\_  
Parcel ID: Zoning Map # \_\_\_\_\_ Parcel # \_\_\_\_\_ District(s) \_\_\_\_\_  
(TO BE FILLED IN BY THE BUILDING DEPARTMENT)
5. Existing Use of Structure/Property: \_\_\_\_\_  
\_\_\_\_\_
6. Description of Proposed Use/Work/Project/Occupation: (Use additional sheets if necessary)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Attached Plans: ☐ Sketch Plan ☐ Site Plan ☐ Engineered/Surveyed Plans
8. Has a Special Permit/Variance/Finding ever been issued for/on the site?  
NO ☐ DON'T KNOW ☐ YES ☐ IF YES, date issued: \_\_\_\_\_  
IF YES: Was the permit recorded at the Registry of Deeds?  
NO ☐ DON'T KNOW ☐ YES ☐  
IF YES: Enter: Book \_\_\_\_\_ Page \_\_\_\_\_ and/or Document # \_\_\_\_\_
9. Does the site contain a brook, body of water or wetlands? NO ☐ DON'T KNOW ☐ YES ☐  
IF YES: Has a permit been, or need to be, obtained from the Conservation Commission?  
Needs to be obtained \_\_\_\_\_ Obtained \_\_\_\_\_, Date issued \_\_\_\_\_
10. Do any signs exist on the property? YES ☐ NO ☐  
IF YES: Describe the size, type and location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
  
Are there any proposed changes to, or additions of, signs intended for the property? YES ☐ NO ☐  
IF YES: Describe the size, type and location: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. ALL INFORMATION MUST BE COMPLETED: PERMIT CAN BE DENIED DUE TO LACK OF INFORMATION.

12.

This column to be filled in by  
the Building Department.

	Existing	Proposed	Required by Zoning
<b>Lot Size</b>			
<b>Frontage</b>			
<b>Setbacks:</b> Front:			
Side:	L: R:	L: R:	
Rear:			
<b>Building Height</b>			
<b>Bldg Square Footage</b>			
<b>% Open Space:</b> (Lot area minus bldg and Paved parking)			
<b># of Parking Spaces</b>			
<b># of Loading Docks</b>			
<b>Fill:</b> (volume & location)			

13. Certification: I hereby certify that the information contained herein is true and accurate to the best of my knowledge.

DATE: \_\_\_\_\_ APPLICANT'S SIGNATURE \_\_\_\_\_

NOTE: Issuance of a zoning permit does not relieve an applicant's burden to comply with all zoning Requirements and obtain all required permits from the Board of Health, Conservation Commission, Department of Public Works and other applicable permit granting authorities.

FILE # \_\_\_\_\_

## REGULATIONS FOR SANDWICH BOARD SIGN PERMITS

### A. Application

1. The application shall give the name of the business applying for the sign, the owner or ~~manager of same and the proposed location for said sign.~~
2. The application shall include a photograph or graphic design and a detailed sketch of the sign indicating all dimensions and construction materials.

### B. Location Criteria

1. Pedestrian and vehicular traffic shall not be impeded or obstructed. No signs shall be placed closer than ten (10) feet from an intersection or obstruct any handicapped accessible appurtenance, including wheelchair ramps.
2. There must always remain a clearance of eight (8) feet between a building or permanent structure and the sandwich board sign.
3. The sign must be place perpendicular to and at least one (1) foot and no more than three (3) feet from the curb.
4. Final site location shall be determined by the Board of Public Works. No sign shall be chained, cabled or in any other manner be attached to any permanent structure on the sidewalk.

### C. Size and Materials

1. No sign shall be less than three (3) or more than four (4) feet in height when erected.
2. All new and modified signs shall be two (2) feet in width when erected.
3. Minimum distance between supporting struts shall be two (2) feet (see Page 3 of 3).
4. Width of signs permitted prior to July 1, 1996, shall be in accordance with the Sandwich Board Rules and Regulations, dated March 20, 1991.

- D. Prior to issuance of the permit, DPW personnel should review the Outstanding Personal Property Accounts list to ensure that the applicant does not have overdue obligations to the City of Northampton. If the applicant's name is included on this listing, then DPW personnel should contact the City Collector in order to verify whether or not a payment agreement for satisfaction of said overdue obligation has been entered into.

The request may be denied, revoked, or suspended if the applicant is properly included on the list of overdue obligations. Prior to taking such action, the DPW shall give written



notice to the party responsible for the overdue obligation and to the tax collector of the intended action.

If the applicants name is not included on the Outstanding Personal Property Accounts list, or if payment arrangements have been made with the City Collector, then DPW personnel fill-out the Permit information.

E. Fee, Permit Duration - \$300.00

1. The fee schedule for the location of a sandwich board sign shall be reviewed by the Board of Public Works on a periodic basis. If the fee is not paid, the permit shall not be issued. If the sign is placed on the street, the Board shall order the sign removed and a pick-up fee assessed as described in D.4.
2. Gridded signs shall be allowed for more than one business at a fee of \$600.00 per sign.
3. Permits shall be issued and in full effect from January 1, to December 31, of each year. An insurance certificate in the amount of \$100,000/\$300,000 shall be required. In case of snow or other emergencies, all sandwich board signs shall be removed from the sidewalks in the interest of public safety. Signs left in place during an emergency shall be subject to removal and permit revocation.
4. A permit shall be valid only during the year it is issued or defined as January 1 to December 31 of each year. A new application must be filed for each season. The permittee holding a permit for a particular location in subsequent seasons shall have a priority status for the locations. The permittee must review their application and file it with the DPW between December 1–December 31 of each year. Permits are issued in accordance with City Ordinance Sections 3-16 through 3-19, 7.9 of appendix A-Zoning and Section 7.2 “General Sign Regulations” – Zoning Ordinance. Assigned identification numbers, one (1) inch in height, shall be placed on the sign face at the bottom right hand corner.
5. The DPW will assess a pick-up fee for any sandwich board sign removed because of emergencies as stated in item D.2. In addition, sandwich board signs that do not have a current permit shall also be subject to removal and a pick-up fee. The pick-up fee is \$100.00 and must be remitted to the DPW before the sign is released back to the owner (City Ordinance Section 3-19).
6. Signs shall be placed in accordance with the approved sandwich board sign location map.

Approved and Adopted by the Board of Public Works – April 14, 1999.